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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/267,178 | 03/12/1999 | LUIS ORTIZ | 02324/019001 | 6678 |

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| EXAMINER |
|---|
| ABELSON, RONALD B |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2666 | |

DATE MAILED: 04/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/267,178 | ORTIZ ET AL. |
| | **Examiner** | **Art Unit** | |
| | Ronald Abelson | 2666 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _09 February 2004_.

2a)☐ This action is **FINAL.**    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1-11 and 13-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,4-7,10,11,13,14,17-21,24-26,29-35 and 38-40_ is/are rejected.

7)☒ Claim(s) _2,3,8,9,15,16,22,23,27,28,36 and 37_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _12 March 1999_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _20_.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## Claim Rejections - 35 USC § 103

1.    The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains.  Patentability shall not be
> negatived by the manner in which the invention was made.

2.    Claims 1, 4, 5, 7, 10, 13, 14, 17, 19-21, 24-26, 29, 31-35,

38, and 39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Coile (US 6,298,063) in view of Kurdzo (US

6,088,365) and further in view of Ma (US 5,960,201).

Regarding claims 1, 7, 14, 21, 26, 31, and 33, Coile

teaches a method and apparatus for a computer telephony system

(fig. 1).

The computer telephony platforms (fig. 1 combination of

boxes 104, 200 and 112) provide computer telephony services

(fig. 1 box 112, col. 4 lines 19-23). Note, only one platform

shown.

There are service modules (fig. 1 box 112 A,B,C) residing

on each of the platforms (fig. 1 box 112), that communicate with

other service modules using message packets having a common

platform-independent protocol (TCP, col. 4 lines 19-23).

There are intra-platform packet routers (fig. 1 box 200) residing on the platforms and configured to route message packets having intra-platform destination addresses to local service modules, including message packets originating from a platform on which an intra-platform packet router resides and having an intra-platform destination address to a service module residing on the platform (servers are connected to one another, col. 4 lines 23-25), and route message packets having inter-platform destination addresses (fig. 1 box 102) to an inter-platform an inter-platform interface (fig. 1 box 104).

There is inter-platform packet router (fig. 1 box 104) associated with the inter-platform interface, the inter-platform router routing message packets having inter-platform destination addresses (fig. 1 box 102) received from the intra-platform routers (fig. 1 box 200) residing on one of the platforms on which the service modules indicated by the inter-platform address reside.

Although Coile teaches service modules residing on each of the platforms (fig. 1 box 112 A,B,C), the reference is silent on resources residing of the platform. Furthermore, the reference is silent on the service modules manipulating the resources according to platform-dependent protocols to facilitate

performance of the computer telephony services for other service modules. See applicant's specification pg. 9 lines 4-16 for support of the limitation.

Kurdzo teaches a server (fig. 2 voice server module 18VSM) manipulating resources (fig. 2 box 30, voice processing DSP, col. 4 lines 20-22). The examiner corresponds a service module of the applicant with the server in Kurdzo and the resources of the applicant with the voice processing DSP in Kurdzo.

Therefore it would have been obvious to one of ordinary skill in the art, having both Coile and Kurdzo before him/her and with the teachings [a] as shown by Coile, a computer telephony system, and [b] as shown by Kurdzo, a server manipulating resources on a DSP, to be motivated to modify the system of Coile by using servers that possess DSP boards. This would improve the system since DSP's are a fast and reliable means for processing data.

Although Kurdzo teaches a server manipulating resources on a DSP, the reference is silent on the resources being manipulated according to a platform-dependent protocol.

Ma teaches the resources being manipulated according to platform-dependent protocols (C, assembly, col. 2 lines 10-19).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of Coile and

Kurdzo and Ma before him/her and with the teachings [a] as shown
by the combination of Coile and Kurdzo, a computer telephony
system comprising platforms with servers on the platforms
manipulating resources on DSPs, and [b] as shown by Ma, the
resources being manipulated according to platform-dependent
protocols, to be motivated to modify the system of the
combination of Coile and Kurdzo by programming the DSP boards
using the C or assembly language. This would improve the system
since DSP boards are typically programmed in C or assembly. This
would allow the system to be more easily integrated into larger
systems.

Regarding claims 4, 10, 17, 24, and 38, each of the
resources comprises a hardware device and a software object.
Note, these limitations have previously been addressed. The
resources comprise a hardware device, DSP board, and a software
object (C, assembly).

Regarding claims 5, 13, 20, 25, 29, 32, and 39, services
include voice, fax, data messaging, video, and multi-media
(Coile: col. any kind of TCP service, col. 4 lines 14-18).

Regarding claim 19, the service modules access the resources according to one of a plurality of platform-dependent protocols. This limitation has previously been discussed with reference to independent claim 14. The platform-dependent protocol is C or assembly.

Regarding claim 34, each of the service modules communicates service requests to the other service modules via message packets having the common, platform-independent protocol, each of the message packets including a destination address indicating one of the service modules to receive the message packet (Coile: TCP, col. 4 lines 19-23). Note, references to standard TCP packets are provided: Carr (US 5,293,379 fig. 4), Smolinske (US 5,426,643 fig. 1).

Regarding claim 35, routing each of the message packets having an intra-platform destination address to one of the service modules on the platform (Coile: fig 1 box 112, 200), and routing the message packets (fig. 2 box 104) having inter-platform destination addresses (fig. 2 box 102) received from each of the intra-platform routers (fig. 2 box 200) to one of the service modules on one of the platforms indicated by the

inter-platform destination address. Note, only one platform is
shown in diagram.


3.    Claims 6, 11, 18, 30, and 40 are rejected under 35
U.S.C. 103(a) as being unpatentable the combination Coile,
Kurdzo and Ma as applied to claims 1, 7, 14, 26, and 34 above,
and further in view of Norton (US 6,411,621).

Although Coile teaches servers, the reference is silent on
the service modules maintaining a queue, the queue defining an
order of processing, wherein each of the service modules is
capable of processing message packets received from a plurality
of the other service modules in an interleaved manner.

Norton teaches a server maintaining a queue, the queue
defining an order of processing (fig. 3 box 240, col. 6 lines
22-24). Regarding the limitation each of the service modules is
capable of processing message packets received from a plurality
of the other service modules in an interleaved manner, TCP
packets have a source address so the server will be able to keep
track of where the packets came from.

Therefore it would have been obvious to one of ordinary
skill in the art, having both the combination Coile, Kurdzo and
Ma and Norton before him/her and with the teachings [a] as shown
by the combination Coile, Kurdzo and Ma, a computer telephony

system comprising both platform independent and dependent

protocols, and [b] as shown by Norton, a server maintaining a

queue, the queue defining an order of processing, to be

motivated to modify the system of the combination Coile, Kurdzo

and Ma by placing queues with the servers of Coile. This would

improve the system by enabling the servers to store commands for

later processing.

## Allowable Subject Matter

4.    Claims 2, 3, 8, 9, 15, 16, 22, 23, 27, 28, 36, and 37 are

objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including

all of the limitations of the base claim and any intervening

claims.


5.    The following is a statement of reasons for the indication

of allowable subject matter.

Regarding claims 2, 3, 8, 9, 15, 16, 22, 23, 27, 28, 36,

and 37 nothing in the prior art of the record teaches or fairly

suggests the message packet includes one of a common set of

commands and one of a set of parameters, each of the commands

being operative with respect to one of the parameters in view of

the prior art teachings of Coile, in combination with all the

other limitations listed in the claim. See applicant's

proprietary packet (fig. 2 box 44, 46, pg. 11 line 6 - pg. 12

line 6). In contrast Coile teaches TCP and TCP/IP packets. See

Smolinske (US 5,426,643) fig. 1 and Carr (US 5,293,379) fig. 4).

### Response to Arguments

6.    Applicant's arguments with respect to independent claims 1,

14, 21, 26, 31, and 33 (applicant: pg. 14 last paragraph) have

been considered but are moot in view of the new ground(s) of

rejection. After conversing with the applicant's representative,

the examiner agreed with the applicant that Coile does not

explicitly demonstrate service modules that manipulate resources

according to platform-dependent protocols. Therefore, a new

search was performed. In a subsequent telephone interview on

4/12/04, Mr. Huang explained that an example of platform-

dependent protocol would be assembly language. Mr. Huang

explained that a DSP board attached to a server would be

considered a "resource" according to the specification. (spec:

pg. 9 lines 3-16).

### Conclusion

7.    Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Ronald

Abelson whose telephone number is (703) 306-5622.  The examiner

can normally be reached on M-F.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Seema Rao can be

reached on (703) 308-5463.  The fax phone number for the

organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval

(PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status

information for unpublished applications is available through

Private PAIR only.  For more information about the PAIR system,         ,

see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ronald  Abelson
Examiner
Art Unit 2666

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4/16/04

SEEMA S. RAO      4|19|04
SUPERVISORY PATENT EXAMINER
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